

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

W. A. DREW EDMONDSON, in his)
capacity as ATTORNEY GENERAL)
OF THE STATE OF OKLAHOMA and)
OKLAHOMA SECRETARY OF THE)
ENVIRONMENT C. MILES TOLBERT,)
in his capacity as the)
TRUSTEE FOR NATURAL RESOURCES)
FOR THE STATE OF OKLAHOMA,)

Plaintiff,)

vs.)

TYSON FOODS, INC., et al,)

Defendants.)

4:05-CV-00329-TCK-SAJ

THE VIDEOTAPED DEPOSITION OF
GORDON JOHNSON, PhD, produced as a witness on
behalf of the Defendants in the above styled and
numbered cause, taken on the 18th day of August,
2008, in the City of Tulsa, County of Tulsa, State
of Oklahoma, before me, Lisa A. Steinmeyer, a
Certified Shorthand Reporter, duly certified under
and by virtue of the laws of the State of Oklahoma.

TULSA FREELANCE REPORTERS
918-587-2878

EXHIBIT

115

1 tomorrow?

2 MR. McDANIEL: Yeah, because waiting for
3 her to get the Record and seeing where -- you ran
4 off and left me behind, but if you wouldn't mind
5 doing it, I'd appreciate it.

06:08PM

6 MR. NANCE: I'll E-mail it to you tomorrow,
7 and with that, I have no further questions.

8 REDIRECT EXAMINATION

9 BY MR. McDANIEL:

10 Q Just a couple of follow-ups, Dr. Johnson.
11 Precision in language is pretty important in science
12 and it is also in the law. So there were a couple
13 of words used in your answers that I need to
14 clarify. Mr. Nance made the statement that says if
15 poultry litter is land applied, it's inevitable that
16 the waste will run off. Did you hear him say waste
17 when you answered yes?

06:08PM

06:08PM

18 A I don't recall that he said waste, but I would
19 agree that if there is runoff, then it's inevitable
20 that there would be some waste in the runoff.

06:09PM

21 Q What is waste in your definition?

22 A Well, anything that would be associated with
23 that waste material that was applied to the land.

24 Q So waste is phosphates; waste is nitrates;
25 waste is potassium; waste is what?

06:09PM

TULSA FREELANCE REPORTERS
918-587-2878

1 A Well, I think in the context of that question,
2 it had to do with materials that would wash off that
3 originated with the waste that was applied to the
4 land.

5 Q Okay. So you're saying that if you put a 06:09PM
6 surface fertilizer or amendment or something on the
7 surface and it rains, it's inevitable you're going
8 to see some evidence of it in the runoff?

9 A Yes.

10 Q All right.

11 A That's generally the -- that would generally
12 be the case.

13 Q True of commercial fertilizer?

14 A Yes.

15 Q True of biosolids? 06:10PM

16 A No, it's not true of commercial fertilizer and
17 biosolids if they're incorporated and time has
18 passed for a reaction to take place in the soil.

19 Q Okay. You're adding conditions to the
20 question -- 06:10PM

21 A That's right.

22 Q -- that I didn't put in the question.

23 A Okay.

24 Q If you're just surface broadcast spreading any
25 type of surface fertilizer or amendment and it 06:10PM

TULSA FREELANCE REPORTERS
918-587-2878